

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RAJA MITTAL,

Plaintiff,

v.

COUNTY OF CLARK, *et al.*,

Defendants.

Case No. 2:15-CV-1037-KJD-VCF

ORDER

Presently before the Court is Plaintiff’s Motion for Leave to Amend, or for Reconsideration (#125/126).

The Court has entered orders dismissing Plaintiff’s complaint for failure to state a claim. Particularly, the Court found that Plaintiff’s claims against state defendants were barred, because his complaint directly challenged the state court’s orders. First, Plaintiff’s motion for leave to amend his complaint is denied, because the motion fails to identify how amendment would cure the deficiencies noted in the Court’s order. Instead of identifying what factual allegations in the proposed second amended complaint (which is three pages longer than the seventy-two [72] page first amended complaint) would cure the deficiencies, Plaintiff merely makes conclusory statements regarding amended complaints. Therefore, his motion to amend is denied.

1 Second, Plaintiff seeks reconsideration asserting that he was challenging Defendants'
2 extrinsic fraud which led to the state court orders, not the orders themselves. However, what Plaintiff
3 fails to acknowledge is that the state court order was based on his admission of education neglect. He
4 directly challenges that order. He admits that he failed to appeal the orders of the state court despite
5 being represented by counsel. A motion for reconsideration should not merely present arguments
6 previously raised; that is, a motion for reconsideration is not a vehicle permitting the unsuccessful
7 party to reiterate arguments previously presented. See Merozoite v. Thorp, 52 F.3d 252, 255 (9th
8 Cir. 1995); Beentjes v. Placer County Air Pollution Control District, 254 F.Supp.2d 1159, at 1161
9 (E.D. Cal. 2003); Khan v. Fasano, 194 F. Supp. 2d 1134, 1136 (S.D. Cal. 2001) (“A party cannot
10 have relief under this rule merely because he or she is unhappy with the judgment.”). He has failed to
11 state grounds for reconsideration of the Court’s previous orders. See School Dist. No. 1J.
12 Mutlinomah County v. ACandS, Inc., 5 F.3d 1255, 1262-63 (9th Cir. 1993).

13 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s Motion for Leave to Amend, or for
14 Reconsideration (#125/126) is **DENIED**.

15 DATED this 4th day of May 2017.

16
17
18 

19 Kent J. Dawson
20 United States District Judge
21
22
23
24
25
26